UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

COASTAL SUNBELT PRODUCE, INC.

and

Case 05-CA-104549

ROBERTO MENDOZA

ORDER¹

The Employer's petition to revoke subpoenas duces tecum B-718315 and B-718316 is denied.² The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.³ Further, the Employer has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three member panel.

In his opposition to the petition to revoke, counsel for the Region states that the Employer has furnished to the Region all documents sought in paragraphs 3, 4, 5, 7, 8, 9, 10, 11, and 12 of the subpoenas, and that therefore only subpoena paragraphs 1, 2, and 6 remain at issue. In its response to the Region's opposition, the Employer asserts that the dispute regarding paragraph 2 has been resolved by stipulation, and attached to its response, as Exh. 1, a copy of an email between the parties reflecting this agreement. The Region has not disputed this assertion. Accordingly, the only subpoena paragraphs that remain at issue in this proceeding are paragraphs 1 and 6.

³ To the extent that the Employer has provided some of the material requested in paragraphs 1 and 6 it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided and provides all of the information that was subpoenaed.

Dated, Washington, D.C., September 12, 2013

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER